

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2291**

**House Bill No. 2343\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 3-6-301, is amended by adding the following new subdivision:

( ) "Employee of the executive branch of state government":

(A) Means any employee of a department created and established under § 4-3-101 other than a commissioner of such department; and

(B) Does not mean:

(i) The governor; or

(ii) The comptroller of the treasury, state treasurer, secretary of state, or the employees of such officers;

SECTION 2. Tennessee Code Annotated, Section 3-6-301(15)(D), is amended by deleting the language "provided, however, that, if the board, utility" and substituting instead the language "provided, however, any employee of the executive branch of state government who engages in lobbying pursuant to subdivision (15)(A) with respect to legislative branch officials shall comply with the lobbying registration requirements of this part; if a board, utility".

SECTION 3. Tennessee Code Annotated, Section 3-6-301(15), is amended by adding the following new subdivision:

( ) "Lobby" does not mean communications by an employee of the executive branch of state government:

(i) In the form of testimony in front of any committee of the general assembly; or



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(ii) That are intended solely to provide information to a member of the general assembly and not for the purpose of influencing the member to take a particular viewpoint on a legislative matter;

SECTION 4. Tennessee Code Annotated, Section 3-6-302(e), is amended by adding the following language at the end of the subsection:

An employee of the executive branch of state government who engages in lobbying and is required to register is not subject to any fees for lobbyist registration or subject to the tax levied pursuant to § 67-4-1702(a)(1).

SECTION 5. Tennessee Code Annotated, Section 3-6-306, is amended by adding the following new subsection:

(g) An employee of the executive branch of state government who engages in lobbying and is required to register under this part is subject only to the following penalties and disciplinary actions:

(1) The civil penalty under subdivision (a)(2)(A) for failing, without good cause, to timely register or to timely update, correct, or otherwise modify the lobbyist's registration statement;

(2) The civil penalty under subdivision (a)(2)(B) for filing information with the commission knowing or having reason to know that the information is inaccurate or incomplete; and

(3) The administrative disciplinary action with respect to the lobbyist's registration under:

(A) Subsection (b) for persistently violating this part; and

(B) Subdivision (c)(2) for having an expired, probationary, suspended, rejected, or revoked registration.

SECTION 6. This act shall take effect January 1, 2019, the public welfare requiring it.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1480\***

**House Bill No. 1712**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 3-1-106(f)(1), is amended by deleting the subdivision and substituting instead the following:

(1) Except as provided in subdivision (f)(2), each member of the general assembly must be paid a monthly expense allowance of one thousand dollars (\$1,000) to provide for expenses necessitated in connection with the member's official duties when away from the seat of government including, but not limited to, telecommunications, office, secretarial, and other assistance or incidental expenses. The monthly expense allowance authorized by this subdivision (f)(1) must be annually adjusted by a growth rate equal to the percentage change in the consumer price index, as compiled by the bureau of labor statistics in the United States department of labor, for the twelve-month period immediately preceding September 30 of each year. Such adjustment must not exceed three percent (3%) in any year. The monthly expense allowance must not be decreased below one thousand dollars (\$1,000). The first such adjustment takes effect November 6, 2018, and must include an adjustment utilizing a compound annual consumer price index growth rate for the twelve-month period immediately preceding each September 30 for years 2005-2018.

SECTION 2. Tennessee Code Annotated, Section 3-1-106(f), is amended by adding the following as a new subdivision:

(3) Upon annual application by a member of the general assembly, and express approval by the speaker of the appropriate house, a member may transfer funds from



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the member's postal and printing allowance to be used by the member for the purposes authorized in this subsection (f). The transfer authorized by this subdivision (f)(3) is subject to the availability of funds in the member's postal and printing allowance.

SECTION 3. This act shall take effect November 6, 2018, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

AMEND Senate Bill No. 1575\*

House Bill No. 2106

<b>FILED</b>
Date _____
Time _____
Clerk _____
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by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 41-4-121, is amended by deleting the section in its entirety and substituting instead the following:

(a) When conducted in accordance with this section, the sheriff has the authority, when the jail of the county is insufficient for the safekeeping of a prisoner, to convey the prisoner to the nearest sufficient jail in the state or, if the prisoner is a juvenile, to the nearest sufficient juvenile detention facility in the state.

(b)

(1) In all cases where it is shown to the committing court that the jail of the county in which the commitment should be made is insufficient for the safekeeping of the prisoner, the court may order commitment of the prisoner to the nearest sufficient county jail or, if the prisoner is a juvenile, to the nearest sufficient juvenile detention facility.

(2) Prior to the issuance of the order, a hearing must be held before the committing court, with the prisoner in attendance, regarding the sufficiency or insufficiency of the county jail for the safekeeping of the prisoner. In issuing the order, the court shall consider restrictions on the use of solitary confinement.

(c)

(1) In all cases where the jail in which a prisoner is confined becomes insufficient from any cause, any circuit or criminal judge, upon the application of the sheriff and proof of the fact, may order the prisoner to be removed to the



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nearest sufficient jail or, if the prisoner is a juvenile, to the nearest sufficient juvenile detention facility.

(2) Prior to the issuance of the order, a hearing must be held before the court, with the prisoner in attendance, regarding the sufficiency or insufficiency of the county jail. In issuing the order, the court shall consider restrictions on the use of solitary confinement.

(d) An order issued under this section shall be reviewed by the issuing court at least once every thirty (30) days. In conducting the review, the court shall determine whether the order needs to remain in place, be terminated, or be modified to place conditions on the order, including any restrictions on the use of solitary confinement. If the order is terminated, the prisoner shall be returned to the county jail or juvenile detention facility, as appropriate.

(e) Nothing in this section authorizes a prisoner to be committed or removed to the state penitentiary or a branch prison for safekeeping.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to prisoners committed or moved for safekeeping prior to, on, or after the effective date of this act.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1941\***

**House Bill No. 2015**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(26), is amended by adding the following new subdivisions:

( ) A commercially operated restaurant that:

(i) Was built in 1892;

(ii) Has not less than one thousand two hundred ninety-five square feet (1,295 sq. ft.);

(iii) Has seating for not less than thirty-two (32) persons;

(iv) Is located not more than five hundred feet (500') from Dobbins Branch; and

(v) Is located in a county with not less than one hundred eighty-three thousand one hundred (183,100) and not more than one hundred eighty-three thousand two hundred (183,200), according to the 2010 or any subsequent federal census;

( ) A commercially operated facility that:

(i) Was built in 1977;

(ii) Operates a market and country store;

(iii) Is located on approximately three and one-half (3 1/2) acres;

(iv) Is located not more than three thousand feet (3,000') from the junction of the Harpeth River and Wilkie Branch;

(v) Serves prepared food on the premises; and



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(vi) Is located in a county with not less than one hundred eighty-three thousand one hundred (183,100) and not more than one hundred eighty-three thousand two hundred (183,200), according to the 2010 or any subsequent federal census;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



Amendment No. \_\_\_\_\_

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**AMEND Senate Bill No. 2379\***

**House Bill No. 2590**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-50-802(a)(4), is amended by deleting the subdivision and substituting instead the following:

(4)

(A) A state employee may use sick leave and annual leave, as described in § 8-50-801, for maternity or paternity leave for a period not to exceed the state employee's accumulated sick leave and annual leave balance, or twelve (12) weeks, whichever is less. In order to be eligible to use sick leave as maternity or paternity leave, the state employee must submit a written request therefor, together with a statement from the attending physician indicating the expected date of confinement, not later than the end of the fifth month of pregnancy.

(B) As used in this subdivision (a)(4):

(i) "Educator" has the same meaning as defined in § 49-5-204;

and

(ii) "State employee" means any person who is a state official, including members of the general assembly, the attorney general and reporter, district attorneys general, state judges, district public defenders, educators, any person who is employed in the service of and whose compensation is payable by the state, or any person who is employed by the state whose compensation is paid in whole or in part from federal or other funds. "State employee" also means any person who is employed in the service of and whose compensation is payable by a public



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institution of higher education, or any person who is employed by a public institution of higher education whose compensation is paid in whole or in part from federal or other funds.

SECTION 2. Tennessee Code Annotated, Section 8-50-806, is amended by deleting the section and substituting instead the following:

Special leave shall be granted for a period of twelve (12) weeks to adoptive parents. Employees may use sick leave and annual leave for all or a portion of that twelve (12) weeks, not to exceed the employee's leave balance if the child is one (1) year old or less; in the event both parents are state employees, the aggregate of sick leave used for such purpose is limited to twelve (12) weeks. In order to be eligible for adoptive leave, the employee shall submit to the appointing authority a statement from a state-licensed child-placing agency verifying the adoption. Additional special leave may be granted at the discretion of the appointing authority not to exceed one (1) year. In the event the adoption process is not completed, the approval of leave pursuant to this section is rescinded. This section shall not apply in case of stepchild or adult adoption.

SECTION 3. Tennessee Code Annotated, Section 8-50-809(b), is amended by deleting the language "except those provisions which relate to annual/sick leave transfer, or sick leave reinstatement," and substituting instead "except for those provisions that relate to annual/sick leave transfer, sick leave reinstatement, or §§ 8-50-802(a)(4) and 8-50-806,".

SECTION 4. This act shall take effect July 1, 2018, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2275**

**House Bill No. 2223\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 3-2-107(a), is amended by adding the following language as a new subdivision (4):

(4)

(A) After the fiscal review committee furnishes a fiscal note under subdivision (a)(1), the sponsor of the bill, resolution, or amendment for which the fiscal note was furnished may appeal the fiscal note to the fiscal review committee by providing notice of the appeal, electronically or otherwise, to the executive director of the fiscal review committee. A sponsor shall not appeal more than one (1) fiscal note in any calendar year.

(B) Upon receipt of notice of appeal under subdivision (a)(4)(A), the fiscal review committee shall conduct a hearing on the appeal no later than seven (7) business days after receipt of the notice of appeal.

(C) Upon appeal of a fiscal note:

(i) The fiscal review committee shall hear arguments by the appellant sponsor, the executive director of the fiscal review committee, and, in the discretion of the fiscal review committee, any other interested person; and

(ii) The executive director of the fiscal review committee has the burden, by a preponderance of the evidence, to prove that the fiscal note furnished for the bill, resolution, or amendment is accurate.



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(D) Fiscal note appeals must be heard on Monday through Thursday of each week during session, or on any other day during which the general assembly is in session, as needed. Upon the conclusion of a hearing on an appeal of a fiscal note, the fiscal review committee shall issue a decision on the appeal no later than two (2) business days after the hearing. The decision on the appeal must uphold the estimated fiscal impact of the original fiscal note or affirm the appeal and modify the estimated fiscal impact consistent with the findings of the fiscal review committee at the hearing on the appeal.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1648\***

**House Bill No. 1668**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-3-304, is amended by deleting subdivision (6) and substituting instead the following:

(6)

(A) Perform economic and efficiency audits, program results audits, and program evaluations, including an analysis of state governmental entities in the Tennessee Governmental Entity Review Law, compiled in chapter 29 of this title;

(B) Make recommendations, in its analysis of governmental entities as prescribed in subdivision (6)(A):

(i) On the abolition, continuation, or reorganization of each affected state agency and on the need for the performance of the functions of the agency;

(ii) On the consolidation, transfer, or reorganization of duplicative programs within state agencies;

(iii) To improve the operations of the agency including, but not limited to, the quality, efficiency, and success of its programs and strategies; and

(iv) On the continuation or abolition of each reporting requirement imposed on the agency by law;

(C) Include the estimated fiscal impact of its recommendations in its analysis of state agencies as prescribed in subdivision (6)(A) and may



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recommend appropriation levels for certain programs to improve the operations of the state agency. The information required under this subdivision (6)(C) shall be forwarded to the office of legislative budget analysis, created by § 3-14-201;

(D) Make recommendations for legislation to the joint evaluation committees created under § 4-29-103 to:

(1) Improve the efficiency and effectiveness of such agencies;

and

(2) Carry out the department of audit's recommendations under subdivision (6)(B);

(E) Submit a copy of the analysis prescribed in subdivisions (6)(A)-(C) no later than thirty (30) days prior to each scheduled review of the state agencies under chapter 29 of this title; and

(F)

(i) Subdivisions (6)(B)-(E) shall apply to the department of audit's review of the following state agencies:

(a) Bureau of TennCare within the department of finance and administration, created pursuant to Executive Order No. 23 on October 19, 1999;

(b) Department of agriculture, created by §§ 4-3-101 and 4-3-201;

(c) Department of audit, created by § 4-3-301;

(d) Department of children's services, created by §§ 4-3-101 and 37-5-101;

(e) Department of commerce and insurance, created by §§ 4-3-101 and 4-3-1301, and all state regulatory boards listed in § 4-3-1304(a);

(f) Department of correction, created by §§ 4-3-101 and 4-3-601;

(g) Department of developmental and intellectual disabilities, created by §§ 4-3-101 and 4-3-2701;

(h) Department of economic and community development, created by §§ 4-3-101 and 4-3-701;

(i) Department of education, created by §§ 4-3-101 and 4-3-801;

(j) Department of environment and conservation, created by §§ 4-3-101 and 4-3-501;

(k) Department of finance and administration, created by §§ 4-3-101 and 4-3-1001;

(l) Department of financial institutions, created by §§ 4-3-101 and 4-3-401;

(m) Department of general services, created by §§ 4-3-101 and 4-3-1101;

(n) Department of health, created by §§ 4-3-101 and 4-3-1801, and all boards, agencies, and commissions listed in § 68-1-101(a)(8);

(o) Department of human resources, created by §§ 4-3-101 and 4-3-1701;

(p) Department of human services, created by §§ 4-3-101 and 4-3-1201;

(q) Department of labor and workforce development, created by §§ 4-3-101 and 4-3-1403;

(r) Department of mental health and substance abuse services, created by §§ 4-3-101 and 4-3-1601;

(s) Department of revenue, created by §§ 4-3-101 and 4-3-1901;

(t) Department of safety, created by §§ 4-3-101 and 4-3-2001;

(u) Department of state, created by §§ 4-3-101 and 4-3-2101;

(v) Department of tourist development, created by §§ 4-3-101 and 4-3-2201;

(w) Department of transportation, created by §§ 4-3-101 and 4-3-2301;

(x) Department of veterans services, created by §§ 4-3-101 and 4-3-2501;

(y) Health services and development agency, created by § 68-11-1604; and

(z) Tennessee higher education commission, created by § 49-7-201.

(ii) The department of audit shall also have the authority to conduct limited performance audits, and other limited reviews deemed by the department of audit to be in the best interests of the state, in accordance with the authority granted in this section.

SECTION 2. Tennessee Code Annotated, Section 4-29-106, is amended by deleting the section and substituting instead the following:

In conducting the review of governmental entities, the evaluation committee shall consider the following:

(1) Whether it is necessary for the governmental entity to engage in each of its regulatory activities;



(2) The efficiency and effectiveness with which the governmental entity operates;

(3) The extent to which the governmental entity has been successful in achieving its mission, goals, and objectives;

(4) Whether the governmental entity performs any duties that are not statutorily authorized;

(5) The authority that the governmental entity has related to fees, inspections, enforcement, and penalties;

(6) The extent to which less restrictive or alternative methods of performing any function that the governmental entity performs could adequately protect or provide service to the public;

(7) The extent to which the governmental entity's programs and jurisdiction duplicate those of other entities, and how the entity will coordinate with those other entities;

(8) Whether the governmental entity promptly and effectively addresses complaints, as to its own operations and as to those that it regulates;

(9) The extent to which the governmental entity encourages and uses public participation when making rules and decisions;

(10) Whether the governmental entity has complied with state and federal requirements concerning equal employment opportunity, the rights and privacy of individuals, and purchasing guidelines for historically disadvantaged businesses;

(11) The extent to which the governmental entity implements and reinforces rules concerning potential conflicts of interest of its employees;

(12) Whether abolishing the governmental entity would cause federal intervention or loss of federal funds;

(13) Whether the governmental entity's statutory reporting requirements effectively fulfill its useful purpose;

(14) The extent to which, if any, the absence of regulation by the governmental entity would endanger the public health, safety, or welfare;

(15) The extent to which the regulatory process of the governmental entity is designed to protect the public interest and the degree to which it has attained those objectives;

(16) The extent to which the governmental entity possesses clear and specific objectives; and

(17) The extent to which the governmental entity complies with the open meetings law, compiled in title 8, chapter 44; the open records law, compiled in title 10, chapter 7; and the extent to which the governmental entity follows records management practices that enable the governmental entity to respond efficiently to requests for public information.

SECTION 3. Tennessee Code Annotated, Title 4, Chapter 29, Part 2, is amended by adding the following as a new section:

If an employee of a state agency is displaced because the agency has been abolished or reorganized pursuant to a recommendation made under § 4-3-304(6)(B) then the agency and the department of human resources shall make a reasonable effort to relocate the displaced employee to another agency within state government.

SECTION 4. Section 4-3-304(6)(E) of this act shall take effect July 1, 2019, the public welfare requiring it. All other provisions of this act shall take effect July 1, 2018, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2287\***

**House Bill No. 2371**

by deleting SECTION 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-3-5403(a), is amended by deleting the subsection and substituting instead the following:

(a) The Tennessee sports hall of fame board of directors shall be composed of twenty-five (25) Tennessee citizens. Eight (8) members of the board shall be appointed by the governor, eight (8) members shall be appointed by the lieutenant governor, and eight (8) members shall be appointed by the speaker of the house of representatives. The commissioner of tourist development, or the commissioner's designee, shall serve as an ex officio voting member of the board of directors. No more than eight (8) of the appointed members shall reside in a grand division. The department of tourist development shall provide administrative assistance and oversight to the hall of fame.



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House State Government Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 793**

**House Bill No. 447\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-3-202(i), is amended by adding the following new subdivision (5):

(5) Samples served and alcoholic beverages sold for consumption on the premises of a distillery in accordance with this subsection (i) are not subject to the tax imposed by § 57-4-301(c).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2332**

**House Bill No. 2315\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following language as a new chapter:

**4-59-101.**

The general assembly finds, determines, and declares that:

(1) Because the matters contained in this chapter have important statewide ramifications for compliance with and enforcement of federal immigration laws and for the welfare of all citizens in this state, these matters are of statewide concern;

(2) Allowing illegal immigrants to reside within this state undermines federal immigration laws and state laws allocating available resources; and

(3) The attorney general and reporter and all appropriate state law enforcement agencies are to vigorously pursue all federal moneys to which the state may be entitled for the reimbursement of moneys spent to comply with federal immigration laws.

**4-59-102.**

As used in this chapter:

(1) "Law enforcement agency":

(A) Means an agency in this state charged with enforcement of state or federal laws, or with managing custody of detained persons in



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this state, and includes, but is not limited to, state police, campus police, and the department of safety; and

(B) Includes officials, representatives, agents, and employees of an agency described in subdivision (1)(A);

(2) "Official" means an agent, employee, member, or representative of a state governmental entity, but does not mean the attorney general and reporter;

(3) "Sanctuary policy" means any directive, order, ordinance, resolution, practice, or policy, whether formally enacted, informally adopted, or otherwise effectuated, that:

(A) Limits or prohibits any state governmental entity or official from communicating or cooperating with federal agencies or officials to verify or report the immigration status of any alien;

(B) Grants to aliens unlawfully present in the United States the right to lawful presence within the boundaries of this state in violation of federal law;

(C) Violates 8 U.S.C. § 1373;

(D) Restricts in any way, or imposes any conditions on, a state or local governmental entity's cooperation or compliance with detainers or other requests from the United States department of homeland security, or other successor agency, to maintain custody of any alien or to transfer any alien to the custody of the United States department of homeland security, or other successor agency;

(E) Requires the United States department of homeland security, or other successor agency, to obtain a warrant or demonstrate probable cause before complying with detainers or other requests from the department to maintain custody of any alien or to transfer any alien to its custody; or

(F) Prevents law enforcement agencies from inquiring as to the citizenship or immigration status of any person; and

(4) "State governmental entity" means any state agency, bureau, commission, council, department, law enforcement agency, or unit thereof, but does not mean the office of the attorney general and reporter.

**4-59-103.**

(a) No state governmental entity or official shall adopt or enact a sanctuary policy. A state governmental entity that adopts or enacts a sanctuary policy is ineligible to receive any economic and community development state moneys until the sanctuary policy is repealed, rescinded, or otherwise no longer in effect.

(b) A resident of this state may submit a complaint in writing as to whether a state governmental entity or official has violated this section. The complaint must be submitted to a member of the general assembly from the resident's district. The member shall then request that the attorney general and reporter investigate and issue an opinion as to whether a state governmental entity or official has violated this section.

(c) Upon receiving an opinion request, the attorney general and reporter shall investigate and determine whether a violation of this section has occurred. The attorney general and reporter shall issue and make public an opinion stating whether the state governmental entity or official, which is the subject of the opinion request, has adopted or enacted a sanctuary policy. Upon the issuance of an opinion by the attorney general and reporter that a state governmental entity or official has adopted or enacted a sanctuary policy, the entity, or the entity to which the official belongs, becomes ineligible to receive any economic and development state moneys that would otherwise be remitted to the entity. Ineligibility commences on the date the opinion is issued and continues until such time that the attorney general and reporter certifies that the sanctuary policy is repealed, rescinded, or otherwise no longer in effect.

(d) The attorney general and reporter shall send to the state governmental entity or official that was the subject of the investigation, to the department of economic and community development, and to the department of finance and administration a copy of any opinion issued pursuant to this section and any certification by the attorney general and reporter that a violation of this section is no longer in effect.

**4-59-104.**

(a) A person residing in a municipality or county who believes a state governmental entity or official has violated § 4-59-103 may file a complaint in chancery court in that person's county of residence.

(b) The person filing the complaint has the burden of proving by a preponderance of the evidence that a violation of § 4-59-103 has occurred.

(c) If the court finds the state governmental entity or official is in violation of § 4-59-103, the court shall issue a writ of mandamus against the entity or official ordering the entity or official to comply with § 4-59-103, enjoin the entity or official from further interference, and take other action to ensure compliance as is within the jurisdiction of the court.

(d) A state governmental entity or official has no less than one hundred twenty (120) days from the date of the court's order to comply with the order. If, after one hundred twenty (120) days, the entity or official has not complied with the court's order, the court may take whatever action necessary to enforce compliance.

SECTION 2. Tennessee Code Annotated, Section 7-68-102, is amended by deleting the section and substituting the following:

As used in this chapter:

(1) "Law enforcement agency":

(A) Means an agency of a political subdivision of this state charged with enforcement of state, county, municipal, or federal laws, or with managing custody of detained persons in this state, and includes, but



is not limited to, county and other municipal police departments and sheriffs' departments; and

(B) Includes officials, representatives, agents, and employees of an agency described in subdivision (1)(A);

(2) "Local governmental entity" means a governing body, board, commission, committee, department, or law enforcement agency of a municipality, county, or other political subdivision of this state;

(3) "Official" means an agent, employee, member, or representative of a local governmental entity; and

(4) "Sanctuary policy" means any directive, order, ordinance, resolution, practice, or policy, whether formally enacted, informally adopted, or otherwise effectuated, that:

(A) Limits or prohibits any local governmental entity or official from communicating or cooperating with federal agencies or officials to verify or report the immigration status of any alien;

(B) Grants to aliens unlawfully present in the United States the right to lawful presence within the boundaries of this state in violation of federal law;

(C) Violates 8 U.S.C. § 1373;

(D) Restricts in any way, or imposes any conditions on, a state or local governmental entity's cooperation or compliance with detainers or other requests from the United States department of homeland security, or other successor agency, to maintain custody of any alien or to transfer any alien to the custody of the United States department of homeland security, or other successor agency;

(E) Requires the United States department of homeland security, or other successor agency, to obtain a warrant or demonstrate probable

cause before complying with detainers or other requests from the department to maintain custody of any alien or to transfer any alien to its custody; or

(F) Prevents law enforcement agencies from inquiring as to the citizenship or immigration status of any person.

SECTION 3. Tennessee Code Annotated, Section 7-68-103, is amended by deleting the section and substituting instead the following:

(a) No local governmental entity or official shall adopt or enact a sanctuary policy. A local governmental entity that adopts or enacts a sanctuary policy is ineligible to receive any economic and community development state moneys until the sanctuary policy is repealed, rescinded, or otherwise no longer in effect.

(b) A resident of this state may submit a complaint in writing as to whether a local governmental entity or official has violated this section. The complaint must be submitted to a member of the general assembly from the resident's district. The member shall then request that the attorney general and reporter investigate and issue an opinion as to whether a local governmental entity or official has violated this section.

(c) Upon receiving an opinion request, the attorney general and reporter shall investigate and determine whether a violation of this section has occurred. The attorney general and reporter shall issue and make public an opinion stating whether the local governmental entity or official, which is the subject of the opinion request, has adopted or enacted a sanctuary policy. Upon the issuance of an opinion by the attorney general and reporter that a local governmental entity or official has adopted or enacted a sanctuary policy, the entity, or the entity to which the official belongs, becomes ineligible to receive any economic and community development state moneys that would otherwise be remitted to the entity. Ineligibility commences on the date the opinion is issued and continues until such time that the attorney general and reporter certifies that the sanctuary policy is repealed, rescinded, or otherwise no longer in effect.

(d) The attorney general and reporter shall send to the local governmental entity that was the subject of the investigation, to the department of economic and community development, and to other appropriate departments of state government a copy of any opinion issued pursuant to this section and any certification by the attorney general and reporter that a violation of this section is no longer in effect.

SECTION 4. Tennessee Code Annotated, Section 7-68-104(c), is amended by deleting the subsection and substituting instead the following:

(c) If the court finds the local governmental entity or official is in violation of § 7-68-103, the court shall issue a writ of mandamus against the entity or official ordering the entity or official to comply with § 7-68-103, enjoin the entity or official from further interference, and take other action to ensure compliance as is within the jurisdiction of the court.

SECTION 5. Tennessee Code Annotated, Title 7, Chapter 68, is amended by adding the following language as a new section:

(a) All law enforcement agencies and officials are authorized, in accordance with 8 U.S.C. § 1357(g)(10), to communicate with the appropriate federal official regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States or otherwise to cooperate with the appropriate federal official in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.

(b) A law enforcement agency may negotiate the terms of a memorandum of agreement between the law enforcement agency and the appropriate federal official in 8 U.S.C. § 1357(g), concerning the enforcement of federal immigration laws. Any memorandum of agreement negotiated pursuant to 8 U.S.C. § 1357(g) must:

(1) Be entered into in accordance with federal law;

(2) Require that each officer employed by the law enforcement agency be trained in accordance with the memorandum of agreement between the law

enforcement agency and the appropriate federal official concerning the law enforcement officer's role in enforcing federal immigration laws, in accordance with 8 U.S.C. § 1357(g); and

(3) Allow for the enforcement of federal immigration law to the full extent permitted under federal law.

(c)

(1) Whenever a law enforcement agency enters into a memorandum of agreement pursuant to subsection (b), notice of the agreement must be submitted in writing to the governor, the office of the lieutenant governor who shall transmit the notice to the members of the senate, and the office of the speaker of the house of representatives who shall transmit the notice to the members of the house of representatives.

(2) Any renewal, modification, or termination of a memorandum of agreement must be reported in the same manner as the original memorandum of agreement in subdivision (c)(1).

#### SECTION 6.

(a) This act shall be implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons, and respecting the privileges and immunities of United States citizens.

(b) In complying with the requirements of this act, no law enforcement officer shall consider an individual's race, color, or national origin, except to the extent permitted by the United States or Tennessee constitutions, and federal law.

(c) If any part or provision of this act is in conflict or inconsistent with applicable provisions of federal law, or otherwise held to be invalid or unenforceable by any court of competent jurisdiction, such part or provision shall be suspended and superseded by such applicable laws, and the remainder of this act shall not be affected thereby.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2049\***

**House Bill No. 2213**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a), is amended by adding the following as a new subdivision (30):

(A) Proprietary information, trade secrets, and marketing information submitted to any food-based business incubation service provider created by a municipality shall be treated as confidential and shall not be open for inspection by members of the public.

(B) As used in this subdivision (a)(30):

(i) "Proprietary information":

(a) Means commercial or financial information that is used either directly or indirectly in the business of any person or company submitting information to a food-based business incubation service provider, and that gives such person or company an advantage or an opportunity to obtain an advantage over competitors who do not know or use such information; and

(b) Does not include lease agreements with the incubation service provider, the identity of businesses or persons using the incubation service provider's services, amounts paid to the incubation service provider by businesses or persons for use of facilities or for other services, or financial records of the incubation service provider;

(ii) "Trade secret" means a manufacturing process, materials used therein, and costs associated with the manufacturing process of any person or



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company submitting information to a food-based business incubation service provider; and

(iii) "Marketing information" means marketing studies, marketing analyses, and similar research and information designed to identify potential customers and business relationships.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.